

- you may be unable to justify your fees;
- you may find yourself in the hugely embarrassing situation of being unable to defend an unfair allegation against you of professional negligence.

Ideally, you should write a contemporaneous file note of every single thing that you do on every file - including for example, phone calls made to people who were not available.

As a guideline the kinds of things that should be included in file notes you should record:-

- to whom you spoke
- in as much detail as time permits, what you spoke about;
- how long it took: often overlooked
- the date and time of day of the attendance

As a test of how good your diary notes are, add up the time recorded separately on each diary note and see what the daily total is. It's easy to charge block times against a file but are these block times supported by individual file notes?

File notes are not just about phone calls. Everything should be file noted, for example:-

Phone conversations

Always take a diary note of every single call, even unsuccessful calls.

We once had to cost a matter for a firm. We found over 150 phone calls recorded on the computerised billing system for which there was no note on the file. In the end, the law firm instructed us to write off these 150 calls because they could not remember what they were about. Just making a computer time sheet note, or a note that says "phone call to Smith" will not be enough.

Drawing documents

You cannot tell how long a document took to draw just by looking at it. However, often lawyers keep no records of how long it took to draw a particular document - the result: lower costs recovery.

Drawing long letters

If you draw a long or detailed letter, make a separate diary note recording how long the letter took to draw.

Court attendances

Often, lawyers will go to court for many days instructing counsel and yet make no diary note of these attendances.

Travelling

Travelling to court, or to conferences, is a recoverable cost. Make a separate file note of the time taken in travel.

Waiting

If the court requires you to attend at a particular time and you find yourself waiting around for some time before getting on, that waiting time may be claimable - make a file note of this attendance.

Internal conferences

Often, lawyers discuss a current matter with a peer in the office these attendances are frequently not recorded. Always make a diary note of internal conferences discussing a matter if the time taken was reasonably spent, the attendance may be claimable.

Researching facts and law

Time spent on researching facts and law if often not recorded.

Discovery

Sometimes, months can be spent organising documents for discovery/inspection. Many attendances will be required - eg. solicitors in conference with each other allocating tasks, conferences with the client taking instructions or clarifying certain matters, attendances to organise paralegals or other support staff, and many hours of attendances to collate documents and to draw up a List of Documents. A diary note that says "Discovery - 8 hours" is insufficient. More particularisation is required if these attendances are to be upheld.

Remember, the humble file note when properly utilised can be the foundation of not only a good file but great case. ■

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700 sought in hepatitis scare

By **DARREN GRAY**

Up to 700 people are being traced by Victorian health authorities to find if they have contracted the potentially fatal hepatitis C virus from pre-1990 blood transfusions.

The blood and blood products of donors now known to be carrying hepatitis C have been traced by workers from the Australian Red Cross Blood Bank, Victoria.

These people donated blood between 1986 and 1990. Screening tests for hepatitis C became available in Australia only in early 1990.

The blood and blood products have now been identified and the painstaking task of searching hospital records to trace the recipients has also been conducted.

It is understood that many of the 700 identified recipients have been contacted. Some have died from age-related or other diseases.

Hepatitis C is a blood-borne virus that can cause serious disease of the liver, such as liver cancer and cirrhosis (degenerative disease of the liver). It is estimated that nearly 200,000 Australians have hepatitis C, with about 145,000 of them thought to be chronically infected.

The virus is more infectious and more widespread in the Australian community than HIV. It is mainly spread through intravenous drug use.

The Victorian Department of Human Services is spending nearly \$1 million on the research, known as Lookback.

A spokesman for the department said the search for the recipients was an enormous task.

Blood banks around the world were faced with the same problem, he said.

He could not say how many people who received the suspect transfusions were actually hepatitis C-positive.

The Australian Red Cross Blood Bank would not comment on the investigation yesterday.

Potentially contaminated blood transfusions have sparked litigation around the country.

The law firm Slater and Gordon has acted successfully for more than 100 Victorians who received blood transfusions between 1985 and 1991. A partner, Mr Andrew Grech, said health authorities reacted to the hepatitis C spectre too slowly.

"These people in our view do have substantial compensation rights," he said.

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